
COMMITTEE ROOM, AUSTIN, July 7, 1879.*Hon. J. D. Sayers, President of the Senate:*

Your special committee, appointed by the Senate to investigate the conduct of the several district judges in this state in examining and allowing accounts against the state in favor of sheriffs, clerks, district attorneys, etc., beg leave to report the testimony taken by said committee as far as appears from records of the office of comptroller of public accounts, with the recommendation that it be transmitted to the House of Representatives for their consideration and action in the premises.

EDWARDS, Chairman.

The report was adopted, and in accordance therewith the testimony taken by the committee, together with a copy of the above report, was transmitted to the House of Representatives.

Senator Edwards, for committee on state affairs, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 7, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs have had under consideration the petitions of the citizens of Palo Pinto county praying for an act incorporating a ferry at Pollard crossing on the Brazos river, and your committee find that this subject has not been referred to the Legislature by the governor, and also that the memorials have been introduced at too late a day in the session to allow action thereon at this session, and therefore your committee recommend that said petitions do lie upon the table, subject to be withdrawn if the parties desire it.

EDWARDS, for Committee.

The hour for the consideration of House bill No. 43 having arrived, Senator Lane moved to postpone same and to suspend the rule to take up Senate bill No. 69, "An act making appropriations for certain deficiencies beginning January 1, 1875, and ending February 28, 1879, and for previous years."

Carried.

Senator Duncan moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Martin, Terrell.

On motion of Senator McCulloch, the Senate adjourned to 9 o'clock tomorrow morning.

TWENTY-FIFTH DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, July 8, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Motley, the reading of the journals of yesterday was dispensed with and same adopted.

A message was received from the House announcing the passage by that body of substitute for Senate bill No. 9, entitled "An act supplemental to and amendatory of an act entitled 'an act to make an appropriation for the support of the state government for the years beginning

March 1, 1879, and ending February 28, 1881,' approved April 23, 1879," with amendments;

That Senate bill No. 15, entitled "An act to amend section 60 of an act entitled 'an act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein,' approved March 24, 1879," was lost;

And that Senate joint resolution No. 75, entitled "Joint resolution authorizing and instructing the employment of female clerks in the comptroller's, treasurer's and general land office," was lost.

Senator Hobby, chairman of committee on rules, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 8, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on rules have considered the accompanying concurrent resolution relative to adjournment, and I am instructed to report it back to the Senate and recommend its adoption.

HOBBY, *Chairman.*

The resolution was adopted.

Substitute for Senate bill No. 9, just reported from the House with amendments, was taken up for consideration.

Senator Stewart moved that the Senate concur in all of the House amendments.

Senator Storey called for a division of the several items of the House amendments, and that they be acted on separately.

The first House amendment was adopted.

The second House amendment was adopted.

The third House amendment was adopted.

Senator Edwards moved that the Senate do not concur in the fourth House amendment.

The president stated that the motion of Senator Stewart "that the Senate do concur," has precedence.

Senator Edwards then withdrew his motion.

The fourth House amendment was then adopted by the following vote:

YEAS.			
Burnett,	Grace,	Lair,	Ripetoe,
Burton,	Guy,	Ledbetter,	Shannon,
Davenport,	Homan,	Moore,	Stewart—15.
Duncan,	Houston,	Patton,	

NAYS.			
Blassingame,	Edwards,	McCulloch,	Storey,
Brown,	Gooch,	Motley,	Street—10.
Buchanan,	Hobby,		

Not voting—Ford, Lane, Martin, Swayne.

Senator Edwards moved a call of the Senate on the fifth House amendment.

Call sustained.

Absent—Lane, Swain.

The president, after publicly reading their captions, signed the following bills, viz:

Senate bill No. 42, entitled "An act to amend article 3962, chapter 10, title 79 of the Revised Statutes;"

Substitute for House bills Nos. 18 and 19, entitled "An act to provide for the sale of the alternate sections of land in organized counties as sur-

veyed by railroad companies, and other works of internal improvements, and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith;"

And Senate bill No. 73, entitled "An act to amend section 1 of 'an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and confine the jurisdiction of the district courts of said counties to such change, approved March 27, 1879,' so that Brown county shall not be included or affected by said act."

The absent senators appearing, the consideration of substitute for Senate bill No. 9, the supplemental appropriation bill, was resumed.

The Senate refused to concur in the fifth House amendment by the following vote:

YEAS.			
Blassingame, Lane,	Ledbetter, Patton.	Ripetoe, Shannon,	Stewart. Swain—8.
NAYS.			
Brown, Buchanan, Burnett, Burton. Davenport,	Duncan. Edwards, Ford, Gooch, Hobby,	Homan, Houston. Lane, Martin,	McCulloch, Moore, Storey, Street—18.
Not voting—Motley.			

Senator Grace was paired with Senator Terrell; he would vote "aye," and Senator Terrell "no," on this vote; and Senator Guy with Senator Tilson; he would vote "aye," and Senator Tilson "no," on this vote.

The sixth House amendment was not concurred in by the following vote:

YEAS.			
Burnett, Burton. Grace,	Homan, Houston. Lair,	Ledbetter, Patton, Ripetoe.	Shannon, Stewart, Swain—12.
NAYS.			
Brown, Buchanan, Edwards,	Ford, Gooch, Hobby.	Lane, Martin, McCulloch,	Moore, Storey, Street—12.
Not voting—Blassingame, Duncan, Davenport.			

The following senators were paired: Senator Motley with Senator Terrell, and Senator Guy with Senator Tilson; the first named of each pair would vote "aye," and the last named "no," on this vote.

The Senate refused to concur in seventh House amendment by the following vote:

YEAS.			
Burnett, Burton, Grace,	Lair, Ledbetter, Martin,	Moore, Patton, Ripetoe,	Shannon, Stewart, Swain—12.
NAYS.			
Brown, Buchanan, Edwards,	Ford, Gooch, Hobby,	Homan, Houston, Lane,	McCulloch, Storey, Street—12.
Not voting—Blassingame, Davenport, Duncan.			

Senators Motley and Guy were paired with Terrell and Tilson, as on the last vote.

Senator Grace moved a call of the Senate on the bill.

Call sustained.

Roll called. Absent—Blassingame, Davenport, Swain.

The pending business went to the table.

Senator Storey moved to suspend the rules and take up Senate bill No. 69, entitled "An act making an appropriation for certain deficiencies beginning January 1, 1875, and ending February 28, 1879, and for previous years."

Carried.

Senator Houston moved a call of the Senate.

Call sustained.

Absent—Blassingame.

Bill went to the table.

House bill No. 48, entitled "An act to repeal 'an act to provide for the record of contracts relating to land, in a manner that will distinguish community from separate property,' approved April 21, 1879," was taken up.

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Blassingame.

Bill went to the table.

House bill No. 43, entitled "An act to amend article 3785, chapter 3, title 78 of the Revised Civil Statutes, passed at the regular session of the Sixteenth Legislature," was taken up.

Senator Stewart moved a call of the Senate.

Call sustained.

Roll called. Absent—Blassingame.

Senate bill No. 53, entitled "An act to prohibit the sale or purchase of certain farm products after night-fall," was taken up with an amendment pending.

The absent senator appearing, the Senate was announced full, and the consideration of substitute for Senate bill No. 9 was resumed.

The Senate concurred in eighth House amendment by the following vote:

YEAS.			
Blassingame,	Grace,	Ledbetter,	Shannon,
Burnett,	Homan,	Patton,	Stewart,
Burton,	Houston,	Ripetoe,	Swain—14.
Davenport,	Lair,		

NAYS.			
Brown,	Ford,	Lane,	Moore,
Buchanan,	Gooch,	Martin,	Storey,
Duncan,	Hobby,	McCulloch,	Street—13.
Edwards,			

The senators were paired as in the previous vote.

Senators Guy and Motley would vote "yea," and Senators Tilson and Terrell "nay," on this question.

Senator Duncan moved that the vote by which the sixth House amendment was concurred in be reconsidered.

Carried by the following vote:

YEAS.			
Blassingame,	Edwards,	Lane,	Storey,
Brown,	Ford,	Martin,	Street,
Buchanan,	Gooch,	McCulloch,	Swain—14.
Duncan,	Hobby,		

NAYS.

Burnett,	Homan,	Ledbetter,	Ripetoe,
Burton,	Houston,	Moore,	Shannon,
Davenport,	Lair,	Patton,	Stewart—13.
Grace,			

The senators were paired as in the last vote.

Senators Guy and Motley would vote "nay," and Senators Tilson and Terrell "no" on this vote.

The amendment (No. 6) was then again concurred in by the following vote :

YEAS.

Blassingame.	Grace.	Ledbetter,	Shannon,
Burnett,	Homan,	Moore,	Stewart,
Burton,	Houston,	Patton,	Swain—15.
Davenport,	Lair,	Ripetoe,	

NAYS.

Brown,	Edwards,	Hobby,	McCulloch,
Buchanan,	Ford,	Lane,	Storey,
Duncan,	Gooch,	Martin,	Street—12.

Senators Guy and Motley were paired as before, and would vote "aye."

Senators Tilson and Terrell would vote "no."

The Senate refused to concur in House amendment No. 9 by the following vote:

YEAS.

Blassingame,	Duncan,	Ledbetter,	Ripetoe,
Burnett,	Lair,	Patton,	Stewart—9.
Davenport,			

NAYS.

Buchanan,	Grace,	Lane,	Shannon,
Edwards,	Hobby,	Martin,	Storey,
Ford,	Homan,	McCulloch,	Street,
Gooch,	Houston,	Moore,	Swain—16.

Not voting—Brown, Burton.

Senators Guy and Motley were paired as before.

The Senate concurred in House amendment No. 10 by the following vote:

YEAS.

Blassingame,	Ford,	Lane,	Moore,
Brown,	Gooch,	Lair,	Patton,
Burnett,	Grace,	Ledbetter,	Ripetoe,
Burton,	Homan,	Martin,	Shannon,
Davenport,	Houston,	McCulloch,	Stewart—21.
Edwards,			

NAYS.

Buchanan,	Hobby,	Storey,	Street—5.
Duncan,			

Not voting—Swain.

Senators Guy and Motley were paired as before. They would vote "aye," and their opposite pairs "no."

The Senate refused to concur in House amendment No. 11 by the following vote:

YEAS.

Brown,	Ford,	Lair,	Swain—5.
Edwards,			

NAYS.

Blassingame,	Gooch,	Ledbetter,	Ripetoe,
Buchanan,	Grace,	Martin,	Shannon.
Burnett,	Hobby,	McCulloch.	Stewart.
Burton,	Homan.	Moore,	Storey,
Davenport,	Houston,	Motley,	Street--23.
Duncan,	Lane,	Patton,	

Senator Guy was paired with Senator Tilson and did not vote.

The Senate concurred in House amendment No. 12 by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Stewart.
Buchanan,	Gooch,	Moore,	Storey,
Burnett,	Grace,	Patton,	Street,
Davenport,	Homan,	Ripetoe,	Swain--19.
Duncan,	Lair,	Shannon,	

NAYS.

Brown,	Edwards,	Houston.	Martin,
Burton,	Hobby.	Lane,	McCulloch--8.

Senators Guy and Motley were paired with Senators Tilson and Terrell. Would vote "aye" on this vote:

The Senate concurred in House amendment No. 13.

The Senate refused to concur in House amendment No. 14 by the following vote:

YEAS.

Ford,	Stewart.	Street,	Swain--4.
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NAYS.

Blassingame,	Duncan,	Lair,	Moore,
Brown,	Edwards,	Lane,	Patton,
Buchanan,	Gooch.	Ledbetter,	Ripetoe.
Burnett,	Grace,	Martin,	Shannon,
Burton,	Hobby,	McCulloch,	Storey--22.
Davenport,	Houston,		

Not voting--Homan.

Senators Guy and Motley were paired as before.

The Senate refused to concur in House amendment No. 15 by the following vote:

YEAS.

Blassingame,	Burton,	Ledbetter,	Stewart.
Burnett,	Davenport.	Shannon,	Street--8.

NAYS.

Brown,	Ford,	Martin,	Ripetoe,
Buchanan,	Gooch.	McCulloch,	Storey,
Duncan,	Grace,	Moore,	Swain--14.
Edwards,	Hobby,		

Not voting--Lair.

Senators Homan, Houston, Lane and Patton did not vote on account of having an interest in the appropriation.

Senators Guy and Motley were paired as before.

The Senate concurred in House amendment No. 16 by the following vote:

YEAS.

Brown,	Ford,	Lair,	Shannon,
Buchanan,	Gooch,	Lane,	Stewart,
Burnett,	Hobby,	Ledbetter,	Storey,
Burton,	Homan,	McCulloch,	Street,
Davenport,	Houston,	Motley,	Swain--21.
Duncan,			

NAYS.

Blassingame,	Martin,	Patton,	Ripetoe—6.
Edwards,	Moore,		

Senators Guy and Grace were paired with Senators Tilson and Terrell and did not vote.

Senator Edwards offered the following amendment to House amendment No. 17:

Insert after the words "benefit of" the words "any of the asylums," and strike out the words "the asylum."

Adopted by the following vote:

YEAS.

Blassingame,	Ford,	McCulloch.	Ripetoe,
Brown,	Gooch,	Moore,	Storey,
Buchanan,	Ledbetter,	Motley,	Street—13.
Edwards,			

NAYS.

Burnett,	Grace,	Houston,	Shannon,
Burton,	Hobby,	Lair,	Stewart,
Davenport,	Homan,	Patton,	Swain—12.

Not voting—Duncan, Lane, Martin.

Senator Guy was paired with Senator Tilson and did not vote.

The Senate then refused to concur in House amendment No. 17 by the following vote:

YEAS.

Brown,	Gooch,	Patton,	Street,
Edwards,	Lane,	Ripetoe,	Swain—10.
Ford,	Motley,		

NAYS.

Blassingame,	Davenport,	Homan,	Moore,
Burnett,	Duncan,	Houston,	Shannon,
Burton,	Grace,	Lair,	Stewart—12.

Not voting—Buchanan, Hobby, Ledbetter, Martin, McCulloch, Storey.

Senator Guy was paired with Senator Tilson and would vote "nay."

The Senate then concurred in House amendment No. 18 by the following vote:

YEAS.

Blassingame,	Grace,	Ledbetter,	Shannon,
Burnett,	Homan,	Moore,	Stewart,
Burton,	Houston,	Patton,	Swain—14.
Davenport,	Lair,		

NAYS.

Brown,	Edwards,	Gooch,	Storey,
Buchanan,	Ford,	Hobby,	Street—8.

Not voting—Duncan, Lane, Martin, McCulloch, Ripetoe.

Senators Guy and Motley were paired as before stated and would vote "yea."

The Senate then concurred in House amendment No. 19.

The Senate concurred in House amendment No. 20 by the following vote:

YEAS.

Blassingame,	Edwards,	Lair,	Ripetoe,
Buchanan,	Ford,	Lane,	Shannon,
Burnett,	Gooch,	Ledbetter,	Stewart,
Burton,	Grace,	Martin,	Storey,
Davenport,	Houston,	Moore,	Swain—21.
Duncan,			

NAYS.

Brown. Homan, McCulloch, Street—5.
Hobby,

Not voting—Patton.

Senators Guy and Motley were paired as before, and would vote "aye."

Senators Edwards, Storey, Lane and Gooch, (by leave) submitted the following as their reasons for voting "aye:"

"We vote 'aye' on the House amendment changing the appropriation made by the Senate from \$275,833 33 for scholastic year ending August 31, 1880, to one-sixth of the ad valorem and occupation taxes, because we think the \$275,833 33 was the maximum that could be safely appropriated from the entire revenue, including the poll tax and office fees, and keep within the revenue, and as the ad valorem and occupation taxes appropriated by the House amendments estimated by the comptroller for that period is only—

Ad valorem taxes.....	\$1,075,000 00
Occupation taxes.....	350,000 00
Tax in unorganized counties.....	50,000 00
	<hr/>
	\$1,475,000 00

One-sixth of this is..... \$245,833 33

Making a saving to the fund to pay the expenses of the actual government for the year ending August 31, 1880, \$30,000. The Senate appropriated \$275,833 33 for the six months from September 1, 1880, to February 28, 1881, leaving the next Legislature to add such amount out of the revenue as the condition of the treasury will allow. The House amendment appropriates one-sixth for the whole scholastic year to August 31, 1881, and by the same estimate, \$30,000 less out of the general revenue than was appropriated by the Senate for six months. Believing as we do, that House amendment is more certain to leave no deficiency, we yield our opposition to setting aside a fractional or aliquot part of the revenue (which we think unwise and impolitic) in order to secure the passage of this appropriation bill, and in a shape that will not prejudice the credit of the state and that will enable us, beyond doubt, to confine our expenditures within the revenues.

EDWARDS,
STOREY,
LANE,
GOOCH."

Senate bill No. 48, entitled "An act to repeal 'an act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property,' approved April 21, 1879," was taken up and read second time and passed to a third reading.

(Senator Hobby in the chair.)

A message was received from the House announcing the passage by that body of substitute House bill No. 78, entitled "An act supplementary of an act entitled 'an act to amend and supplement the existing quarantine laws of the State of Texas, title 83 of Revised Statutes,' approved April 10, A. D. 1879, and to repeal article 4096 of the Revised Statutes, title 83."

Senator Homan offered the following resolution:

Resolved, That the calendar clerk of the Senate be retained in office for five days after the adjournment of this session for the purpose of

arranging and making proper disposition of the papers and unfinished business on the calendar; and that he be paid for such service out of the contingent fund, on the certificate of the secretary of the Senate, the sum of five dollars per day.

Adopted.

The rules were suspended to place House bill No. 48 on its third reading.

Lost by the following vote (a four-fifths vote being required):

YEAS.

Blossingame,	Grace,	McCulloch,	Stewart,
Burnett,	Houston,	Moore,	Storey,
Burton,	Lair,	Patton,	Street,
Davenport,	Ledbetter,	Ripetoe,	Swain—18.
Ford,	Martin,		

NAYS.

Brown,	Duncan,	Hobby,	Lane - 7.
Buchanan,	Gooch,	Homan,	

Not voting—Edwards, Guy, Motley, Shannon.

House bill No. 43, entitled "An act to amend article 3785, chapter 3, title 78 of the Revised Civil Statutes, passed at the regular session of the Sixteenth Legislature."

A message was received from the House requesting the return to that body of Senate bill No. 9, and that amendment number fourteen, to which the Senate refused to agree, was engrossed in error, as no such amendment was made; also, that the eleventh amendment was an erroneous engrossment: it should have been "\$500" instead of "\$5000."

On motion of Senator Duncan, the pending business was postponed in order to take up the amendments to Senate bill No. 9, just reported from the House.

Senator Houston moved that the Senate concur in House amendment number eleven.

Senator Blossingame moved that the Senate reconsider the vote concurring in House amendments to lines ten, eleven, twelve and thirteen, page 4.

Senator Stewart moved a call of the Senate.

Call seconded.

Roll called. Absent—Moore.

Senator Brown, chairman committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 8, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have compared with the originals and find correctly engrossed the following bills, viz:

Senate bill No. 49, entitled "An act to amend articles 1007 and 1008 of the Revised Civil Statutes;"

Senate bill No. 61, entitled "An act to authorize the state treasurer to keep a special deposite account with the general land office and to provide how money shall be placed to the credit of said accounts and how withdrawn or transferred;"

Senate bill No. 91, entitled "An act to make an appropriation to pay interest on the interest-bearing warrants of the state."

BROWN, *Chairman.*

Senate bill No. 53, "An act to prohibit the sale or purchase of certain farm products after nightfall," was taken up with pending amendment.

Senator Patton moved a call of the Senate.

Call sustained.

Senator Moore having made his appearance, the Senate was announced as full.

The consideration of the bill was then again resumed.

Senator Houston moved to concur in House amendment, in regard to paying comptroller \$500.

Adopted.

Senator Brown moved a call of the Senate on Senator Blassingame's motion to reconsider the vote adopting House amendments to lines ten, eleven, twelve and thirteen, page 4 of the bill.

Call sustained.

Roll called—Senate full.

The motion to reconsider was carried by the following vote:

YEAS.

Blassingame,	Ford,	Lane,	Motley,
Brown,	Gooch,	Ledbetter,	Patton,
Buchanan,	Hobby,	Martin,	Storey,
Duncan,	Houston,	McCulloch,	Street—19.
Edwards,	Lair,	Moore,	

NAYS.

Burnett,	Davenport,	Ripetoe,	Stewart—7.
Burton,	Homan,	Shannon,	

Not voting—Swain.

Senator Guy was paired with Senator Tilson; he would have voted "no" and Senator Tilson would have voted "aye."

Senator Grace was paired with Senator Terrell; he would have voted "no" and Senator Terrell "aye."

The Senate then refused to concur in House amendments to lines ten, eleven, twelve and thirteen of the bill by the following vote:

YEAS.

Burton,	Lair,	Stewart.	Swain—6.
Davenport,	Shannon.		

NAYS

Blassingame,	Ford,	Houston,	Moore.
Brown,	Gooch,	Lane,	Patton,
Buchanan,	Grace,	Ledbetter,	Ripetoe,
Burnett,	Hobby,	Martin,	Storey,
Duncan,	Homan,	McCulloch,	Street—21.
Edwards,			

Senators Guy and Motley were paired with Senators Tilson and Terrell. The first named would voted "aye" and the last named would voted "nay."

House bill No. 43, "An act to amend article 3785, chapter 3, title 78 of the Revised Civil Statutes, passed at the regular session of the Sixteenth Legislature," was taken up, read third time and passed by the following vote:

YEAS.

Burnett,	Grace,	Lair,	Shannon,
Davenport,	Hobby,	McCulloch,	Stewart,
Edwards,	Homan,	Moore,	Storey,
Ford,	Houston,	Motley,	Street,
Gooch,	Lane,	Ripetoe,	Swain—20.

NAYS.

Blassingame,	Burton,	Guy,	Martin.
Brown,	Duncan,	Ledbetter,	Patton—9.
Buchanan,			

A message was received from the House announcing the passage of Senate bill No. 20, as a substitute for House bill No. 12, said bill being entitled "An act to amend articles 1057, 1058 and 1059 of the Code of Criminal Procedure of the State of Texas, passed and adopted at the regular session of the Sixteenth Legislature," with various amendments by the House;

And that Senate bill No. 71, being a substitute for Senate bill No. 65, "An act to amend section 22 of an act entitled 'an act to adopt and establish the Revised Civil Statutes,' passed February 21, 1879," was lost;

Also, that the House had passed Senate bill No. 12, "An act making provision for the return to the comptroller's office, before the meeting of each regular session of the Legislature, of all sheriffs', attorneys' or other valid claims against the state, for which warrants may not have been issued, so that correct estimates may be made of any deficiencies in the appropriation, and to provide against the issuance of 'O. K.' certificates;"

Senate bill No. 20, substitute for House bill No. 12, being "An act to amend articles 1057, 1058 and 1059 of the Code of Criminal Procedure of the State of Texas, passed and adopted at the regular session of the Sixteenth Legislature," with House amendments thereto, was taken up, and House amendments concurred in.

Senate bill No. 54, "An act to amend article 4662, chapter 1, title 95 of the Revised Civil Statutes of the State of Texas, so as to reduce taxation to two-fifths of one per cent.," was taken up and read second time.

Senator Patton offered a substitute for said bill.

Senator Storey moved a call of the Senate.

Call sustained.

Roll called. Absent—Blossingame, Street.

Senate bill No. 56, "An act to provide for and regulate the redemption of real estate," was taken up and read second time, pending an adverse report from judiciary committee No. 1.

On motion of Senator Houston, the report of the committee was adopted and bill lost.

Senate bill No. 64, "An act to prescribe the obligations and security which shall be given by students who may be admitted and taught in the normal schools of this state," was taken up and read second time pending an adverse report of committee on said bill.

Senator Houston moved that the report of the committee be adopted.

Senator Homan moved a call of the Senate.

Call sustained.

Roll called. Absent—Street.

The pending bill went to the table.

Senator Grace, chairman of committee on enrolled bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 8, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully compared and find correctly enrolled and properly signed Senate bill No. 42, "An act to amend article 3962, chapter 10, title 79 of the Revised Statutes," and have this day at 9:40 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

On motion of Senator Duncan, the Senate adjourned until 5 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

A message was received from the House announcing the passage of substitute for Senate bill No. 17, entitled "An act to create a commission of arbitration and award and define the powers and duties thereof;" that the House adheres to its amendments, Nos. 7, 14, 15 and 18, to substitute for Senate bill No. 9 (the supplemental appropriation bill); asks for a conference committee, and that Messrs. Finlay, Johnston of Shelby, Gause, King and Frost have been appointed on said committee on the part of the House.

Senator Storey moved to take up substitute for Senate bill No. 9, with House amendments, and that a conference committee be appointed.

Carried.

Senators Storey, Edwards, Stewart, Houston and Lair were appointed as said conference committee.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, July 8, 1879.)

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advise and consent to the following appointments:

R. B. Longmire, notary public for Rusk county.

J. G. Anderson, notary public for Brazos county.

Pinkney S. Ford, notary public for Milam county; James Nance rejected.

F. J. Abernathey, notary public in Fannin county, in place of Charles Doss, who failed to qualify.

W. F. Harper, notary public for Waller county.

Respectfully,

O. M. ROBERTS, *Governor.*

Senator Street moved to take up Senate bill No. 17, with House amendments just reported from the House.

Carried.

Senator Street moved to concur in first House amendment.

Carried.

On motion of Senator Street, the second House amendment was concurred in.

On motion of Senator Street, the third House amendment was concurred in.

Senator Street moved that the fourth House amendment be concurred in.

Carried.

On motion of said senator, the fifth House amendment was concurred in.

Substitute for House bill No. 78, entitled "An act supplementary to and amendatory of an act entitled 'an act to amend and supplement the existing quarantine laws of the State of Texas, title 83 of the Revised Statutes,' approved April 10, 1879, and to repeal article 4096 of the Revised Statutes, title 83," was taken up and read first time.

The rules were suspended to put the bill on its second reading, by the following vote:

YEAS.

Blassingame.	Ford,	Houston,	Motley.
Brown,	Gooch,	Lane,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Street,
Davenport,	Homan,	Moore,	Swain—24.

NAYS—none.

Not voting—Duncan, Edwards, Lane, Patton, Storey.

Bill read second time.

Senator Ford offered the following amendment:

Amend by adding at end of section 3 the following: "And the sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated, in addition to the appropriation made at the regular session of the Sixteenth Legislature, out of any moneys in the treasury not otherwise appropriated, for the erection and construction of the necessary buildings, wharves, etc., for quarantine purposes at points already designated, or which may hereafter be designated by law, or by the general health officer."

Adopted, and bill passed to third reading.

On motion of Senator Street, the rules were suspended and bill placed on its third reading by the following vote:

YEAS.

Blassingame.	Guy,	Ledbetter,	Ripetoe,
Brown,	Hobby,	Martin,	Shannon,
Buchanan.	Homan,	McCulloch,	Stewart,
Burnett,	Houston,	Moore,	Storey,
Burton,	Lane,	Motley,	Street,
Ford,	Lair,	Patton.	Swain—25.
Grace,			

NAYS—none.

Not voting—Davenport, Duncan, Edwards, Gooch.

Bill read third time and passed by the following vote:

YEAS.

Blassingame.	Gooch,	Lair,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston.	Motley,	Swain—25.
Ford,			

NAYS—none.

Not voting—Brown, Duncan, Lane, Patton.

A message was received from the House announcing the passage of Senate bill No. 88, entitled "An act to define who are agents of insurance companies, and to fix their liabilities for acting without authority of law."

The following message was received from the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, TEXAS, July 8, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments:

Tyre Hancock, notary public, Rusk county.

W. B. Woody, notary public, Milam county.

B. R. McRae, cattle and hide inspector for the unorganized county of Jones.

Respectfully, O. M. ROBERTS, Governor.

Senator Ledbetter moved to suspend the rules and take up House bill No. 48, entitled "An act to repeal an act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property, approved April 21, 1879," and put it on its third reading.

Carried by the following vote:

YEAS.			
Blassingame,	Gooch,	Lair,	Patton,
Buchanan,	Grace,	Ledbetter,	Ripetoe,
Burnett,	Guy,	Martin,	Shannon,
Burton,	Homan,	McCulloch,	Storey,
Davenport,	Houston,	Moore,	Street,
Edwards,	Lane,	Motley,	Swain— 24.

NAYS—none.

Not voting—Brown, Duncan, Ford, Hobby, Stewart.

Bill read third time and passed by the following vote:

YEAS.			
Blassingame,	Grace,	Ledbetter,	Ripetoe,
Buchanan,	Guy,	Martin,	Shannon,
Burnett,	Homan,	McCulloch,	Stewart,
Burton,	Houston,	Moore,	Storey,
Davenport,	Lane,	Motley,	Street,
Edwards,	Lair,	Patton,	Swain— 25.
Gooch,			

NAYS—none.

Not voting—Brown, Duncan, Ford, Hobby.

Senator Motley, moved that the Senate go into executive session on the appointments sent to the Senate to-day by his excellency the governor, just after the morning call on to-morrow.

Carried.

The undersigned senators presented the following as their reasons for the vote just cast:

"We vote 'aye' on the passage of this repealing bill for the reason that a majority of the Senate can pass it, as is shown by the vote engrossing it; but a majority vote will not cause the repeal to take immediate effect, but a two-thirds vote will. If the repealing law does not receive a two-thirds vote, the law so repealed, requiring certain recitals to be made in contracts relating to lands, would be in operation from July 24 to October 10, 1879. If we vote for it, it will take effect now. We cannot see that any good will result from a change in the law for a few months only. Therefore, we vote 'aye' to make the majority two-thirds for the reasons stated, and not because we think it wise to pass it.

GOOCH,
EDWARDS,
HOMAN,
GUY,
LANE,
BROWN,
BUCHANAN,
HOBBY,
McCULLOCH,
SHANNON."

Senate bill No. 64, entitled "An act to prescribe the obligations and security which shall be given by students who may be admitted and

taught in the normal schools in this state," was taken up with adverse report of the committee.

The committee report was adopted and bill lost by the following vote:

YEAS.			
Blassingame,	Edwards,	Martin,	Ripetoe,
Brown,	Grace,	McCulloch,	Shannon,
Buchanan,	Guy,	Moore,	Stewart,
Burnett,	Hobby,	Motley,	Storey,
Burton,	Homan,	Patton,	Street—22.
Davenport,	Houston,		

NAYS.

Gooch,

Lair—2.

Not voting—Duncan, Ford, Lane, Ledbetter, Swain.

On motion of Senator Swain, the rules were suspended and Senate bill No. 54, entitled "An act to amend article 4662, chapter 1, title 95 of the Revised Civil Statutes of the State of Texas, so as to reduce taxation to two-fifths of one per cent.," was taken up and read second time, together with a substitute for the same by Senator Patton.

Senator Storey moved a call of the Senate.

Call sustained.

Roll called. Absent—Duncan, Swain.

Pending bill went to the table.

(Senator Grace in the chair.)

Senate bill No. 68, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the regular session of the Sixteenth Legislature, as amended by the act amendatory thereof," approved April 19, 1879, was taken up, read second time and ordered engrossed.

Senator Street moved to suspend the rules and put the bill on its third reading.

Carried by the following vote:

YEAS.			
Blassingame,	Ford,	Lane,	Ripetoe,
Brown,	Gooch,	Ledbetter,	Shannon,
Buchanan,	Grace,	Martin,	Stewart,
Burnett,	Guy,	McCulloch,	Storey,
Davenport,	Hobby,	Moore,	Street,
Duncan,	Homan,	Motley,	Swain—27.
Edwards,	Lair,	Patton,	

NAYS—none.

Not voting—Burton, Houston.

Bill read third time and passed.

Joint resolution No. 87, "Repealing joint resolution No. 19, appointing legislative joint committee to investigate land frauds," was taken up and read second time.

The Senate refused to engross the resolution by the following vote:

YEAS.			
Edwards,	Houston,	Street,	Swain—4.
NAYS.			
Blassingame,	Gooch,	Lane,	Motley,
Brown,	Grace,	Ledbetter,	Ripetoe,
Buchanan,	Guy,	Martin,	Shannon,
Burnett,	Hobby,	McCulloch,	Stewart,
Burton,	Homan,	Moore,	Storey—22.
Davenport,	Lair,		

Not voting—Duncan, Ford, Patton.

Senate bill No. 69 was taken up.

The point of order was made that the bill went to the table under a call, and that Senator Duncan was absent.

Senator Edwards moved to excuse the absent senator, and made the point of order that the fact of this bill being under a call in the morning session, does not necessarily remain under a call during the evening session.

The chair ruled the point of order not well taken.

Senator Edwards did not insist on his point of order as he learned there had been a call on this bill during the evening session.

A message was received from the House announcing that the House had refused to concur in Senate amendment to House bill No. 78 (the quarantine act).

(President in the chair).

Senator Street moved that the Senate adhere to its amendment.

Adopted, and the president appointed a committee of conference on said bill consisting of Senators Street, Burnett and McCulloch.

The Senate was announced full, and the consideration of Senate bill No. 54 was resumed.

The bill was read second time.

Senator Patton withdrew his substitute for the same.

The adverse report of the committee was adopted and bill lost by the following vote:

		YEAS	
Blossingame,	Edwards,	Lane,	McCulloch,
Brown,	Ford,	Lair,	Moore,
Buchanan,	Gooch,	Ledbetter,	Storey,
Duncan,	Hobby,	Martin,	Street—16.
		NAYS.	
Burnett,	Grace,	Houston,	Shannon,
Burton,	Guy,	Patton,	Stewart,
Davenport,	Homan,	Ripetoe,	Swain—12.

Not voting—Motley,

On motion of Senator Patton, the rules were suspended and Senate bill No. 93, entitled "An act to amend article 4664, title 95, chapter 1 of the Revised Civil Statutes of the State of Texas," was taken up and read second time:

Senator Patton moved a call of the Senate.

Call sustained. Roll called. Senate full.

Senator Houston moved to excuse Senator Gooch for the remainder of the session after to-day.

Carried.

Senator Blossingame moved to adjourn until 9 o'clock A. M. to-morrow.

Carried by the following vote:

		YEAS.	
Burnett,	Guy,	Motley,	Stewart,
Burton,	Homan,	Patton,	Street,
Davenport,	Houston,	Ripetoe,	Swain—15.
Grace,	Moore,	Shannon,	
		NAYS.	
Blossingame,	Edwards,	Lane,	Martin,
Brown,	Gooch,	Lair,	McCulloch,
Buchanan,	Hobby,	Ledbetter,	Storey—13.
Duncan,			

Not voting—Ford.